

Fed.R.Civ.P. 15(a)(2) (emphasis added).

DISCUSSION

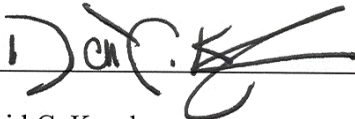
Plaintiff has now filed a “Second Amended Complaint” (Document No. 14), and Defendant has provided “Notice Of Written Consent To Filing Of Plaintiff’s Second Amended Complaint” (Document No. 18). The Second Amended Complaint supersedes the Amended Complaint. As such, the undersigned will direct that “Defendant’s Motion To Dismiss Plaintiff’s Amended Complaint” (Document No. 14) be denied as moot. Defendant may file a renewed motion to dismiss the Second Amended Complaint, if appropriate.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at *4 (W.D.N.C. Oct. 30, 2007).

CONCLUSION

IT IS, THEREFORE, ORDERED that “Defendant’s Motion To Dismiss Plaintiff’s Amended Complaint” (Document No. 14) is **DENIED AS MOOT**.

Signed: September 27, 2018



David C. Keesler
United States Magistrate Judge

